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PATENT

U.S. PTO
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JC907 09/18/00


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wayne, et al.

Application No.: 09/134,246 Group No.: 1636

Filed: August 14, 1998 Examiner: W. Sandals

For: Method For Construction Of Thermus-E. coli Shuttle Vectors And Identification Of Two Thermus Plasmid Replication Origins

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))

1. This is a petition for an extension of the time for a total period of 3 months to

file a response to Final Rejection dated April 6, 2000

(indicate matter being extended)

NOTE: "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: An extension of time under 37 C.F.R. § 1.136(a)(1) is available unless:

"(i) Applicant is notified otherwise in an Office action;

"(ii) The reply is a reply brief submitted pursuant to § 1.193(b);

"(iii) The reply is a request for an oral hearing submitted pursuant to § 1.194(b);

"(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304; or

"(v) The application is involved in an interference declared pursuant to § 1.611."

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 18 Sept 2000

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Signature

Melissa A. Jackson

(type or print name of person certifying)

2. A response in connection with the matter for which this extension is requested:

is filed herewith.
 has been filed.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. §§ 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

a small entity. A statement:
 is attached.
 was already filed.
 other than a small entity.

4. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)–(5)):

Extension <u>months</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input checked="" type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00
<input type="checkbox"/> five months	\$ 1,850.00	\$ 925.00

Fee: \$ 435.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for 2 months has already been secured. The fee paid therefor of \$ 190.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 245.00

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on Oct. 6, 2000

Date

6. Fee Payment

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

Attached is a check in the sum of \$ 245.00

Charge Account 14-0740 for any additional extension and/or fee required or credit for any excess fee paid.

Charge fee to Account No. 14-0740. This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached.

SIGNATURE OF PRACTITIONER

Gregory D. Williams
General Counsel

(type or print name of practitioner)
New England Biolabs, Inc.
32 Tozer Road

P.O. Address

Customer No.:
Beverly, MA 01915
